

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

**UNITED STATES OF AMERICA**

**v.**

**KRISTINA SCHMIEKS,**

**DEFENDANT**

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**CRIMINAL No. 03-75-P-H**

**ORDER ON MOTION TO DISMISS FOR PREJUDICIAL  
PRE-INDICTMENT DELAY**

I understand that the defendant may consider it “unfair” that she is being prosecuted now for alleged conduct that occurred in January-March 2001, since she apparently confronted the issue then and attempted to turn her life around. But it would be even more unfair for her to escape punishment for crimes she allegedly committed merely because of the passage of time. Congress has adopted a statute of limitations that determines the time limits for prosecution, and its end point is still far away. To date, the defendant has presented only generalized accusations of unfairness and prejudice in preparing a defense, and refers to presenting concrete evidence at a hearing. There is no reason to schedule a hearing, however, unless and until the defendant shows particularized prejudice (e.g., witnesses who have become unavailable, why her lawyer cannot

examine the physical layout of the building or see floor plans, etc.). The motion is therefore **DENIED**, but without prejudice to its renewal upon a showing of specific prejudice.

**So ORDERED.**

**DATED THIS 5TH DAY OF NOVEMBER, 2003.**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CRIMINAL DOCKET FOR CASE #: 03CR75**

UNITED STATES OF AMERICA

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KRISTINA SCHMIEKS

Defendant

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